

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELIAS PELLOT, JR.	:	CIVIL ACTION
<i>Petitioner</i>	:	
	:	
v.	:	NO. 19-3223
	:	
ROBERT MARSH, et al.,	:	
	:	
<i>Respondents</i>	:	

ORDER

AND NOW, this 28th day of January 20120, upon consideration of the *Report and Recommendation* issued on December 31st, 2019, by the Honorable Linda K. Caracappa, United States Magistrate Judge (the “Magistrate Judge”), [ECF 16], to which no objections were filed by Petitioner Elias Pellot, Jr., (“Petitioner”), and after a careful and independent review of the record, it is hereby **ORDERED** that:

1. The *Report and Recommendation* is **APPROVED** and **ADOPTED**;¹
2. The Petition for Writ of *Habeas Corpus* is **DENIED**, with prejudice;
3. There is no probable cause to issue a certificate of appealability; and
4. The Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court

¹ As noted, Petitioner did not file any objection and/or response to the Report and Recommendation (the “R&R”). Therefore, the R&R is reviewed under the “plain error” standard. *See Facyson v. Barnhart*, 2003 WL 22436274, at *2 (E.D. Pa. May 30, 2003). Under this plain error standard of review, an R&R should only be rejected if the magistrate judge commits an error that was “(1) clear or obvious, (2) affect[ed] ‘substantial rights,’ and (3) seriously affected the fairness, integrity or public reputation of judicial proceedings.” *Leyva v. Williams*, 504 F.3d 357, 363 (3d Cir. 2007) (internal quotations and citations omitted). Here, after a thorough, independent review of the record and the R&R, this Court finds the Magistrate Judge did not commit any error and, therefore, approves and adopts the R&R in its entirety.